

EXHIBIT A-1 Complaint

Redacted by Clerk of Court

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Monday, May 26, 2014 3:13:21 PM
CASE NUMBER: 2014 CV 03068 Docket ID: 19126913
GREGORY A BRUSH
CLERK OF COURTS MONTGOMERY COUNTY OHIO

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

KATHERINE MITCHELL

35 Illinois Avenue
Dayton, OH 45410,

Plaintiff,

v.

CITY OF DAYTON

101 W. Third Street
Dayton, OH 45402,

JOHN SYX a/k/a JACK SYX

116 Nordale Avenue
Dayton, OH 45420

MICHAEL JOHNSON

161 Illinois Avenue
Dayton, OH 45410

OFFICER JOHN DOES 1 – 6

Addresses Unknown

Defendants.

* Case No.:

* Judge:

* **COMPLAINT**

Plaintiff Katherine Mitchell, for her Complaint against Defendants City of Dayton ("Dayton"), John Syx a/k/a Jack Syx, Michael Johnson and Officer John Does 1-6, alleges as follows:

1. Ms. Mitchell is a resident of Ohio who currently resides at 35 Illinois Avenue, Dayton, Ohio.

2. Mr. Syx is a resident of Dayton, Ohio and a housing inspector for Dayton.
3. Michael Johnson is a resident of Dayton, Ohio and a housing inspector for Dayton.
4. On May 13, 2011, Ms. Mitchell purchased the property located at 22 Illinois Avenue, Dayton, Ohio (the "Property").
5. Ms. Mitchell knew the Property needed extensive work and planned to invest the time and money to fix up the Property so that she, her four-year old daughter and her fiancée could make it their family home.
6. Ms. Mitchell did not live in the Property when she purchased it, but rather lived with her parents right across the street at 15 Illinois Avenue, Dayton, Ohio (the "Parents' Property").
7. Upon purchasing the Property, Ms. Mitchell immediately began renovations. Ms. Mitchell began tearing out walls and old wires inside the Property. Ms. Mitchell hired Affordable Roofing & Siding to complete roof work to prevent roof leaks. She began purchasing fixtures for the inside of the home.
8. Ms. Mitchell secured the home when she was finished working on it each day and monitor it from her Parent's Property.
9. On or about March 15, 2012, Mr. Syx kicked in the back door to the Property and took photos on the inside of the Property. Ms. Mitchell was not provided any notice that Mr. Syx intended to inspect the Property and Mr. Syx entered the Property without Ms. Mitchell's permission or knowledge.
10. Mr. Syx trespassed on the Property and created a public nuisance by kicking in the door and failing to secure it upon his departure.

11. On March 16, 2012, Dayton sent to Ms. Mitchell a Structural Nuisance Legal Order (the "Nuisance Order"). A copy of the Nuisance Order is attached as Exhibit A. Mr. Syx signed the Nuisance Order on behalf of the Housing Inspection Division of the Department of Building Services for Dayton.

12. At the time the Nuisance Order was issued, the Property was structurally sound. The Property was secured. The Property did not pose a threat to any adjacent property or to the safety of the nearby residents.

13. The Nuisance Order provides that Ms. Mitchell was "ordered to abate the public nuisance, by either rehabilitation or by removal of the building, structure or nuisance." Exhibit A, p. 1. The Nuisance Order further provides that Ms. Mitchell had 15 days in which to obtain a nuisance rehab permit. *Id.* In addition, the Nuisance Order required Ms. Mitchell to obtain a Special Services Inspection prior to obtaining the rehab permit:

THIS PROPERTY IS IN THE NUISANCE ABATEMENT PROGRAM.
VIOLATIONS ARE TOO NUMEROUS TO LIST. OBTAIN A SPECIAL
SERVICES INSPECTION PRIOR TO OBTAINING A REHAB PERMIT.

Exhibit A, p. 2.

14. Ms. Mitchell did not obtain a permit, however, she continued to work on the Property. Ms. Mitchell received nothing further from Dayton for months.

15. In September 2012, Ms. Mitchell's daughter was outside of the Parents' Property playing when Mr. Syx arrived at that address. Mr. Syx began questioning Ms. Mitchell's daughter – who was only four years old at the time – about garbage behind the Parents' Property. Ms. Mitchell's daughter was very afraid of Mr. Syx. Anthony Johnson, the child's father, approached Mr. Syx and asked what he was doing. Mr. Syx responded that questioning children is how he obtains his information. At this time, Anthony Johnson

instructed Mr. Syx to leave his daughter alone. Mr. Syx then issued a written violation pertaining to the garbage.

16. Several days later, Mr. Syx appeared at 15 Illinois Avenue. Again Mr. Syx began questioning Ms. Mitchell's daughter. Again, Ms. Mitchell's daughter was afraid of Mr. Syx. Anthony Johnson intervened. This time, Mr. Syx, having already frightened the child, touched her shirt and told her it was pretty before leaving.

17. As a result of Mr. Syx's conduct, on or about September 29, 2012, Ms. Mitchell and Anthony Johnson went to the Division of Housing Inspection in Dayton to file a complaint against Mr. Syx. Ms. Mitchell spoke to Jackie McPherson, an employee of the Division of Housing Inspection, about both the incident involving her daughter and the Nuisance Order.

18. Ms. McPherson instructed Ms. Mitchell to contact Nathan Zebrowski, an employee of the Division of Housing Inspection, regarding the Nuisance Order. Ms. McPherson also told Ms. Mitchell that she would have the Property removed from the vacant lot list kept by Dayton and that she would not have difficulty obtaining the rehab permits.

19. Ms. Mitchell called Mr. Zebrowski on or about September 29, 2012 and left a message. She never received a call back from Mr. Zebrowski.

20. On March 16, 2013, a Certification for Demolition of a Public Nuisance was signed by three employees of the Housing Department (two inspectors and the area supervisor). Ms. Mitchell did not receive the Certification for Demolition at or near the time it was signed. A copy of the Certification is attached as Exhibit B.

21. On March 29, 2013, without notice to or permission from Ms. Mitchell, an employee or agent of Hart Environmental Resources entered the Property and conducted an asbestos inspection. A report regarding the inspection was prepared on April 6, 2013. A copy

of the asbestos report is attached as Exhibit C. The report was prepared "under contract with the City of Dayton."

22. Dayton hired a tree removal service to remove trees on the Property. Without notice to or permission from Ms. Mitchell, a tree removal service removed trees on the front of the Property on April 29, 2013 and on the back of the Property on April 30, 2013.

23. During the removal on April 29, 2013, one of the trees fell on the roof of the Property. The roof was significantly damaged by the tree and the repairs that Ms. Mitchell had completed in 2011 were ruined.

24. On April 30, 2013, Ms. Mitchell called Ms. McPherson regarding the removal of the trees. Ms. McPherson refused to speak to Ms. Mitchell and refused to provide any information regarding the Property. Ms. McPherson referred Ms. Mitchell to Kevin Powell, who never returned Ms. Mitchell's phone calls.

25. On April 30, 2013, a housing inspector, Michael Johnson, was at the Property. Michael Johnson stated to Ms. Mitchell that the home was going to be demolished. This was the first that Ms. Mitchell learned that the Property was going to be demolished. Michael Johnson also told Ms. Mitchell that Mr. Syx was no longer the housing inspector for the Property.

26. Because the Division of Housing Inspection would not respond and because Michael Johnson was on the Property without notice to or permission of Ms. Mitchell, she called the Dayton Police Department. The Police stated that there was nothing they could do for Ms. Mitchell.

27. On May 6, 2013, Ms. Mitchell obtained an estimate from Affordable Roofing & Siding to repair the roof as a result of the tree damage. While Ms. Mitchell, Anthony Johnson and Affordable Roofing & Siding were at the Property obtaining the estimate, Michael

Johnson appeared in plain clothes, driving his personal vehicle and told them they could not be on the Property. Ms. Mitchell instructed Michael Johnson to leave and he did.

28. Later in the evening, Michael Johnson appeared at the Property and posted a notice on the Property stating that it was a violation for any person, including the owner, to be on the Property without written consent from Division of Housing Inspection.

29. On May 9, 2013, Michael Johnson spray painted "Public Nuisance" on the front of the Property.

30. On May 12, 2013 – Mother's Day – Michael Johnson drove by the Property. An hour later, two Dayton Police Officers appeared at the Parents' Property and asked whether anyone had been on the Property. Ms. Mitchell said that no one was on the Property. The City of Dayton Police Officers responded that everything that was going on with the Property was in their computers and they would hate to have to arrest Ms. Mitchell on Mother's Day.

31. Approximately ten minutes after the two officers left, two more officers showed up at the Property with their guns drawn and looked in each window. Approximately ten minutes after those officers left, a Dayton Police car drove past the Property.

32. On May 17, 2013, Ms. Mitchell and Anthony Johnson went to the Division of Housing Inspection to obtain permits to work on the Property. Michael Johnson appeared and returned to get Dennis Zimmer. Both Michael Johnson and Mr. Zimmer told Ms. Mitchell she could not have any permits because the Property was going to be torn down. Mr. Zimmer authorized a permit for lawn mowing purposes only that expired on June 1, 2013. A copy of the permit is attached as Exhibit D.

33. As they were leaving the Division of Housing Inspection, Mr. Zimmer followed Ms. Mitchell and Anthony Johnson out and accused Anthony Johnson of threatening him. A

security guard came outside and informed Ms. Mitchell and Anthony Johnson that they were no longer allowed in the Division of Housing Inspection building.

34. On May 17, 2013 – the same day Ms. Mitchell received the mowing permit – Michael Johnson placed another sign on the Property stating no one was permitted on the Property.

35. On July 29, 2013, Ms. Mitchell called Mr. Zimmer and requested a renewal of the lawn mowing permit. Ms. Mitchell also requested a meeting to discuss putting a progress plan together for the rehabilitation of the Property. Mr. Zimmer did not answer.

36. On July 30, 2013, Mr. Zimmer left a message for Ms. Mitchell stating she could come down to the Housing Department to get a lawn mowing permit. He was silent as to the rehabilitation progress request. Ms. Mitchell obtained the lawn mowing permit the same day.

37. On July 31, 2013, Ms. Mitchell again called Mr. Zimmer to discuss a rehabilitation plan. Mr. Zimmer would not entertain a plan and would only meet to discuss the demolition of the Property.

38. On August 12, 2013, Ms. Mitchell saw some men wandering around the Property. She confronted them and they told her they were from an asbestos removal company. She asked for their paperwork and they refused to provide it. Ms. Mitchell called the City of Dayton Police who arrived after the men had left.

39. A few hours later, the men arrived again to begin work on asbestos abatement.

40. On August 13, 2013, Ms. Mitchell saw the same men placing equipment on the front porch of the Property. She requested that they remove the equipment and leave the Property. The men refused stating that they had been instructed by Mr. Zimmer to do the demolition of the Property. Ms. Mitchell called the Dayton Police.

41. The City of Dayton Police showed up to the Parents' Property with Mr. Zimmer. Mr. Zimmer told Ms. Mitchell she was not allowed on the Property. Ms. Mitchell presented the mowing permit – that Mr. Zimmer signed – to the Dayton Police Officer. Mr. Zimmer told Ms. Mitchell that he was taking the permit back and the Dayton Police Officer then instructed Ms. Mitchell to stay off the Property.

42. After these events, Michael Johnson placed another sign stating that Ms. Mitchell was not allowed on the Property. Asbestos abatement continued.

43. On October 18, 2013, a crew came to the Property and started removing components of the Property such as doors and other salvageable materials. Ms. Mitchell spoke with the crew that told her the Property was going to be torn down on October 21, 2013.

44. Nothing happened on October 21, 2013.

45. On October 22, 2013, the crew came back to the Property, tore out all of the wood work, the wood trim, the baseboards, doors, crown molding and knocked out windows.

46. On October 23, 2013, the crew came back and took more woodwork and the bathroom sink.

47. On October 24, 2013, the crew came back and removed more wood.

48. On October 25, 2013, the crew came back and salvaged the brick from the chimney and the wood from the siding.

49. On October 29, 2013, the crew came back and salvaged additional wood siding.

50. On or about November 4, 2013, the Property was torn down.

COUNT I
(Inverse Condemnation)

51. Plaintiff hereby incorporates the allegations of ¶¶1 through 50 by reference into this paragraph as if they were fully re-written herein.

52. There is no procedural mechanism by which Ms. Mitchell may challenge the Nuisance Order by seeking that a court take evidence and determine in the first instance as a matter of fact and law whether the Property constitutes a public nuisance.

53. The Dayton Public Nuisance Ordinance, § 152.01, et seq., fails to provide for a de novo review in the Court of Common Pleas of constitutional questions, such as whether property actually constitutes a public nuisance so as to bar compensation for taking the property.

54. Dayton demolished the Property on or about November 4, 2013. Because Dayton has made the administrative decision that the Property was a public nuisance, it does not intend to pay reasonable compensation for taking the Property.

55. The Property was not, in fact, a public nuisance at the time the Nuisance Order was issued.

56. Dayton has deprived Ms. Mitchell of her constitutional right to reasonable compensation.

57. Pursuant to R.C. 163.01, et seq. Ms. Mitchell is entitled to the payment of reasonable compensation for the Property as a result of Dayton taking and demolishing the Property.

COUNT II
(Writ of Mandamus)

58. Plaintiff hereby incorporates the allegations of ¶¶1 through 57 by reference into this paragraph as if they were fully re-written herein.

59. Dayton demolished the Property on or about November 4, 2013. Because Dayton has made the administrative decision that the Property was a public nuisance, it does not intend to pay reasonable compensation for taking the Property.

60. The Property was not, in fact, a public nuisance at the time the Nuisance Order was issued.

61. Dayton deprived Ms. Mitchell of her constitutional right to reasonable compensation.

62. Ms. Mitchell is entitled to a writ of mandamus issued to Dayton compelling Dayton to institute appropriate proceedings under R.C. 163.01, et seq.

COUNT III
(Declaratory Judgment)

63. Plaintiff hereby incorporates the allegations of ¶¶1 through 62 by reference into this paragraph as if they were fully re-written herein.

63. The Dayton Public Nuisance Ordinance, § 152.01, et seq., purports to provide a procedure by which Dayton may make administrative determinations of public nuisances within its jurisdiction.

64. Determinations of public nuisances implicate constitutional issues, under both the Ohio Constitution and the United States Constitution, particularly in the context of determining when a taking of property has occurred.

65. Administrative agencies are not competent to determine constitutional questions.

66. Accordingly, the Dayton Public Nuisance Ordinance must provide for de novo review of public nuisance determinations by the Court of Common Pleas when the constitutional question of a taking is at issue.

67. The Dayton Public Nuisance Ordinance fails to provide for de novo review of public nuisance determinations by the Court of Common Pleas when the constitutional question of a taking is at issue.

68. Plaintiffs are entitled to a declaratory judgment that the Dayton Public Nuisance Ordinance is unconstitutional for failure to provide for de novo review of public nuisance determinations by the Court of Common Pleas when the constitutional question of a taking is at issue.

COUNT IV
(42 U.S.C. §1983)

69. Plaintiff hereby incorporates the allegations of ¶¶1 through 68 by reference into this paragraph as if they were fully re-written herein.

70. Jack Syx, Michael Johnson, and Officer John Does, under color of state law and without privilege to do so, deprived Ms. Mitchell of her rights secured by Fifth and Fourteenth Amendments to the Constitution of the United States and the laws of the State of Ohio.

71. As a result of the conduct of Jack Syx, Michael Johnson, and Officer John Does, Ms. Mitchell has been damaged.

COUNT V
(42 U.S.C. §1983)

72. Plaintiff hereby incorporates the allegations of ¶¶1 through 71 by reference into this paragraph as if they were fully re-written herein.

73. Upon information and belief, Dayton failed to maintain a proper system for training its housing inspectors and its police officers, including Jack Syx, Michael Johnson and the John Doe Officers, which failure amounts to a deliberate indifference to the rights of Ms. Mitchell, and which deprived Ms. Mitchell of her rights secured by the Fifth and Fourteenth Amendments the Constitution of the United States and the laws of the State of Ohio.

74. As a result of the conduct of Dayton, Ms. Mitchell has been damaged.

WHEREFORE, Plaintiff Katherine Mitchell demands judgment in her favor and against Defendant, City of Dayton, as follows:

1. On Count I, for money damages in excess of \$25,000.00, plus interest;
2. On Count II, for issuance of a writ of mandamus compelling the City of Dayton to institute appropriation proceedings, pursuant to R.C. 163.01, et seq., against Plaintiffs;
3. On Count III, for a declaratory judgment hat the Dayton Public Nuisance Ordinance is unconstitutional for failure to provide for de novo review of public nuisance determinations by the Court of Common Pleas when the constitutional question of a taking is at issue;
4. On Count IV, for money damages in excess of \$25,000.00, plus interest;
5. For punitive damages;
6. For her attorney fees and costs;
7. For prejudgment and post-judgment interest;
8. For all other and further relief to which Plaintiff is entitled.

/s/ Christine M. Cooper
Christine M. Cooper (#0079160)
Chad D. Cooper (#0074322)
Thomas W. Kendo, Jr. (#0058548)
KENDO, ALEXANDER, COOPER & ENGEL LLP
7925 Paragon Road
Dayton, OH 45459
Telephone: 937.433.4090
Facsimile: 937.433.1510
Email: cmcooper@kacelawllp.com

Attorneys for Plaintiff, Katherine Mitchell

JURY DEMAND

Plaintiff hereby requests a jury on all issues and claims triable thereto.

/s/ Christine M. Cooper
Christine M. Cooper



Exhibit A

SN-10049816
72780

City of Dayton, Ohio
Department of Building Services
Housing Inspection Division
371 West Second Street, PO Box 22, Dayton, Ohio 45402-

SE-15-2 WALNUT HILLS-EAST M

Date: 03/16/12
Page: 1

Addressee:
KATHERINE MITCHELL
15 ILLINOIS AVE
DAYTON, OH 45410

Subject Address: 22 ILLINOIS AVENUE
DAYTON, OH 45410
BPIO Number: R72-34-10-36-1
Lot Number: 20771(PART)

STRUCTURAL NUISANCE LEGAL ORDER

The subject premises to which you own or have an interest in has been inspected pursuant to the City of Dayton Revised Code of General Ordinances (R.C.G.O.) Section 152.04 pertaining to the abatement of Public Nuisances, and has been declared a public nuisance, as Defined in R.C.G.O. Section 152.04 E.

You are hereby ordered to abate the public nuisance, by either rehabilitation or by removal of the building, structure or nuisance. If you fail to abate the public nuisance, the City will abate the public nuisance by demolition and all costs of abatement will be billed to you. If you fail to pay the bill, the costs will be assessed against the property, or the City may commence a civil action against you to recover the costs.

A SPECIAL SERVICE PERMIT AND INSPECTION are required for all structural nuisances. At the completion of the special service inspection the owner(s) will be advised of permits required that shall require additional repairs or improvements in addition to the nuisance legal order. Permits are required before doing any repair or demolition work. Permits must be finalized upon the completion of approved repairs or improvements.

You have fifteen (15) days after receipt of this notice in which to obtain a nuisance rehab permit. If a nuisance rehab permit is obtained, all rehabilitation work must be completed within the ninety (90) day permit period. If a wrecking permit is obtained, all wrecking must be completed within a thirty (30) day permit period (or such additional time as the Manager of Housing Inspection deems necessary.)

It is illegal for any person to occupy, or allow another to occupy, a structure that has been declared a public nuisance.

It is illegal for any person, including the owner, to enter the premises of a public nuisance without written consent of the Manager of Housing Inspection Division. For additional information please call 937-333-3977.

No further notice regarding this matter will be given to you.



SN-10049816 72780
Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

Date: 03/16/12
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R.C.G.O. SECTIONS VIOLATED

SECTION VIOLATED: 93.16 DECLARATION OF NUISANCE AND ORDERS; ALL DANGEROUS DWELLINGS OR PARTS THEREOF WITHIN THE TERMS OF R.C.G.O. 93.15 ARE DECLARED TO BE PUBLIC NUISANCES, AND SHALL BE VACATED AND REPAIRED AS PROVIDED IN THIS CHAPTER

Date of Violation: On or about 03/16/12 at 11:12 AM

Location: EXTERIOR MAIN STRUCTURE THROUGHOUT

Violation: 328528 THIS PROPERTY IS IN THE NUISANCE ABATEMENT PROGRAM. VIOLATIONS ARE TOO NUMEROUS TO LIST. OBTAIN A SPECIAL SERVICES INSPECTION FROM THE DIVISION OF BUILDING INSPECTION PRIOR TO OBTAINING A REHAB PERMIT. FOR INFORMATION ABOUT THE NUISANCE ABATEMENT PROGRAM, CALL (937) 333-3977.

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)

Date of Violation: On or about 03/16/12 at 11:12 AM

Location: EXTERIOR MAIN STRUCTURE THROUGHOUT

Violation: 328526 DOOR(S) DAMAGED AND LOCKSET BROKEN OR MISSING, STRUCTURE IS OPEN AND CANNOT BE SECURED

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)

Date of Violation: On or about 03/16/12 at 11:16 AM

Location: EXTERIOR MAIN STRUCTURE THROUGHOUT

Violation: 328530 FOUNDATION DOES NOT PROPERLY SUPPORT STRUCTURE

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)

Date of Violation: On or about 03/16/12 at 11:18 AM

Location: EXTERIOR MAIN STRUCTURE THROUGHOUT

Violation: 328533 RAINGUTTER AND DOWNSPOUTS NOT PROVIDED



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Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

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Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

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SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:20 AM
Location: EXTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328535 WINDOW GLASS BROKEN AND/OR CRACKED

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:12 AM
Location: EXTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328527 SPECIAL SERVICE INSPECTION REQUIRED

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:17 AM
Location: EXTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328532 PORCH SUPPORT POST(S) MISSING OR DAMAGED TO THE
EXTENT THE MEMBER DOES NOT PROPERLY SUPPORT THE LOAD

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:21 AM
Location: EXTERIOR MAIN STRUCTURE FRONT PORCH
Violation: 328536 STAIRWAY (CONCRETE) CRACKED, DETERIORATED AND/OR
PARTS MISSING CREATING AN UNSAFE CONDITION

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:16 AM
Location: EXTERIOR MAIN STRUCTURE THROUGHOUT



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Subject Address: 22 ILLINOIS AVENUE
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Violation: 328529 FASCIA & SOFFIT BOARDS DAMAGED OR PARTS MISSING



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Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

Date: 03/16/12
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SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:19 AM
Location: EXTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328534 SIDING (WOOD, METAL, ALUMINUM AND OR VINYL) DAMAGED,
REMOVED OR PARTS MISSING

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:17 AM
Location: EXTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328531 PAINTED SURFACES PEELING

SECTION VIOLATED: 93.33 STRUCTURAL SOUNDNESS AND MAINTENANCE OF
DWELLINGS. SUB-SECTION (I) AND/OR 93.331 UNOCCUPIED
OR VACANT DWELLINGS. SUB-SECTION (I)
Date of Violation: On or about 03/16/12 at 11:29 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328544 JOIST DAMAGED AND/OR DETERIORATED.

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:27 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328539 FLOOR(S) AND/OR WALL(S) AND/OR CEILING PARTS DAMAGED
DETERIORATED AND/OR PARTS MISSING

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:22 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT



SN-10049816 72780
Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

Date: 03/16/12
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Location: INTERIOR MAIN STRUCTURE THROUGHOUT



SN-10049816 72780
Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

Date: 03/16/12
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Violation: 328543 HEATING SYSTEM DUCT WORK DAMAGED OR MISSING

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:27 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328540 ELECTRICAL COMPONENTS MISSING RENDERING THE SYSTEM
INOPERABLE

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:28 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328541 ELECTRICAL WIRES EXPOSED

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:30 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328547 SMOKE DETECTOR(S) NOT PROVIDED

SECTION VIOLATED: 152.01 PUBLIC NUISANCE (STRUCTURAL)
Date of Violation: On or about 03/16/12 at 11:28 AM
Location: INTERIOR MAIN STRUCTURE THROUGHOUT
Violation: 328542 FURNACE REMOVED



SN-10049816 72780
Subject Address: 22 ILLINOIS AVENUE
BPIO Number: R72-34-10-36-1

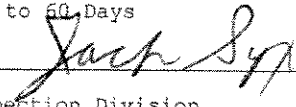
Date: 03/16/12
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APPEALS PROCEDURES AND NOTICE OF PENALTIES


You may appeal this finding of a public nuisance by making a demand in writing within fifteen (15) days after receipt of this notice, to the Manager of Housing Inspection, for a hearing on the question of whether in fact a public nuisance exists as defined in the Revised Code of General Ordinances Section 152.01E.

Failure or refusal to comply with an order to abate a public nuisance is up to \$500 in fines and/or up to 60 Days incarceration. RCGO 152.123(B)

Available by Phone: Monday through Friday
8:00 - 9:00 AM
(937)333-3922



JACK SYX 64
Housing Inspection Division
Department of Building Services



Nuisance Abatement Program Specialist
Housing Inspection Division
Department of Building Services

Exhibit B



CERTIFICATION FOR DEMOLITION OF A PUBLIC NUISANCE

PROPERTY ADDRESS(ES) 22 ILLINOIS ZIP CODE 45410
 LOT NO 20771 (PART) BPI R72-34-10-36-37
 LOT SIZE 60 X 140 = LOT AREA 8400 SQ FT

I. MAIN STRUCTURE TO BE DEMOLISHED? YES or NO STR TYPE Frame/5
 Width 30 X Length 50 Total Area 1500 SQ FT
 Height 22 Ft Number of floors above grade 1.5
 Structure is built on Slab Crawl Space Basement X
 Does the structure have a Full Attic? Partial Attic?

II. ACCESSORY STR TO BE DEMOLISHED? YES or NO STR TYPE FRAME
 Width X Length = Total Area SQ FT
 Height Ft Number of floors above grade
 Structure is built on Slab Crawl Space Basement

ACCESSORY STR TO BE DEMOLISHED? YES or NO STR TYPE
 Width X Length = Total Area SQ FT
 Height Ft Number of floors above grade
 Structure is built on Slab Crawl Space Basement

III. Does the exterior of the structure have an extraordinary amount of Trash, Debris, Litter, Appliances, Bulk Waste and/or Furniture? YES or NO Estimated Cubic Yards

IV. Is water meter present inside? YES or NO
 Is gas meter present inside? YES or NO
 Is electric service cut out? YES or NO

V. I CERTIFY THE ABOVE MENTIONED STRUCTURE(S) FOR DEMOLITION BASED UPON AN INSPECTION WITH PHOTOS DATED 3-16-13.
 I WILL/WILL NOT NEED TO GO INSIDE THE PREMISES BEFORE DEMOLITION BEGINS.

IS THE STRUCTURE SO SUBSTANTIALLY FIRE DAMAGED OR ALREADY COLLAPSED THAT GOING INSIDE IS NOT POSSIBLE? YES or NO

[Signature]
 INSPECTOR'S SIGNATURE

[Signature]
 AREA SUPERVISOR'S SIGNATURE

DATE OF CERTIFICATION INSPECTION 3-16-13

DATE OF PRE-DEMOLITION INSPECTION WITH CONTRACTOR NO DATE NEEDED

VI CHANGE IN OWNERSHIP YES ☐ NO ☒

VII PERMIT BEEN PULLED YES ☐ NO ☒ AS OF 3-19-13

23

PROPERTY ADDRESS 22 ILLINOIS

JUSTIFICATION FOR CERTIFICATION:

INSPECTION MADE WITH
INSPECTOR STEPHANIE HALPERN AND MYSELF CONCLUDED
SAID PROPERTY AT 22 ILLINOIS IS A NUISANCE

- | | |
|---------------------------|-------------------------------------|
| ① DOORS DAMAGE | ⑨ ceiling & WALLS PARTS MISSING |
| ② FOUNDATION DETRIORATED | ⑩ JOINT DAMAGE |
| ③ RAIN GUTTERS & DOWNS | ⑪ FLOORS & WALLS DETRIORATED |
| ④ WINDOW GLASS BROKEN | ⑫ BATHROOM (COMPLETE) NOT REPAIRING |
| ⑤ PORCH STEPS DETRIORATED | ⑬ KITCHEN (COMPLETE) NOT REPAIRING |
| ⑥ PORCH POST DETRIORATED | ⑭ WATERHEATER NOT REPAIRING |
| ⑦ Siding Damage | ⑮ FURNACE REMOVED |
| ⑧ PAINT SURFACE | ⑯ EL. WIRING PARTS MISSING |

TAX SUMMARY CURRENTLY DUE: 6,709.18

SLAB AT ROAR 24X24

LOT CLEARANCE PLAN

STREET		
SIDEWALK		

☐ SEE ATTACHED PLOT MAP

COMMENTS

Exhibit C

87286



HART ENVIRONMENTAL RESOURCES

262 Hedge Dr. Springfield, OH 45504 (937) 325-8777 (937) 324-0288 FAX

ASBESTOS INSPECTION REPORT

22 Illinois Ave.
Dayton, OH 45410



PREPARED FOR:

Mr. Dennis Zimmer
City of Dayton
Building Services
Nuisance Abatement & Rehabilitation Supervisor
371 W. 2nd St., Room 324
Dayton, OH 45402
937-333-3982

PREPARED BY:

Lynda M. Hart
Asbestos Hazards Evaluation Specialist
Ohio #ES-32558
April 6, 2013





HART ENVIRONMENTAL RESOURCES

262 Hedge Dr. Springfield, OH 45504 (937) 325-8777 (937) 324-0288 FAX

April 6, 2013

Mr. Dennis Zimmer
City of Dayton
Building Services
Nuisance Abatement & Rehabilitation Supervisor
371 W. 2nd St., Room 324
Dayton, OH 45402

Re: Asbestos Inspection
22 Illinois Ave.
Dayton, Ohio 45410

Dear Mr. Zimmer,

Hart Environmental Resources prepared this report, under contract with the City of Dayton, Ohio, for the asbestos inspection conducted at 22 Illinois Ave., Dayton, OH. The inspection, conducted on March 29, 2013, was completed utilizing applicable Federal and Ohio State regulations pertaining to asbestos: Federal OSHA (29 CFR 2010.1001 and 29 CFR 2026.1101), EPA (40 CFR Part 61), and TSCA Title II AHERA/ASHLARA (40 CFR Part 763) Asbestos Regulations. The findings in this report are consistent with accepted principles and practice established and prescribed by the EPA and AHERA.

All accessible areas of the home, at 22 Illinois Ave., were inspected physically, functional space by functional space, and homogeneous area by homogeneous area to determine the presence of asbestos-containing materials. Suspect materials that may be present inside wall cavities, electrical wiring or which were otherwise inaccessible were not included in the scope of this inspection. Core samples of friable and non-friable suspect asbestos-containing materials were collected. A site diagram, with the location of each sample, was made. The bulk samples were placed in zip-lock bags, sealed, and labeled with an identifying code. The samples, along with the chain-of-custody, were then submitted to the laboratory, Environmental Hazards Services, to be analyzed for asbestos content.

The home is a two-story structure, with a below ground level. The exterior has been finished with wood and transite. The transite on the front of the home has been removed and is laying in piles on the front porch. The interior walls and ceilings are finished with plaster, most of which has been removed. Older, wood windows have been installed in the home. A hot-water boiler, supplied heat to the structure. The pitched roof is covered with bituminous, asphalt shingles.

Hart Environmental Resources identified sixteen (16) suspect asbestos-containing materials in the accessible areas of the structure.

Analytical Results

HER Sample # Lab Sample #	Amount	Layers	Description/Sample Location	Condition	PLM Result (% Asbestos)
22I-1 13-04-0-001	-	1	Window Glazing, Living Room Wall A	Friable	None Detected
22I-2 13-04-0-002	-	1	Wall Plaster, Bedroom 2, Homogeneous, Wall C	Non-friable	None Detected
22I-3 13-04-0-003	-	2	Wall Plaster, 2 nd Floor Stairway, Homogeneous, Wall B	Non-friable	None Detected
22I-4 13-04-0-004	-	2	Wall Plaster, 2 nd Floor Stairway, Homogeneous, Wall D	Non-friable	None Detected
22I-5 13-04-0-005	-	1	Window Glazing, Living Room Wall D	Friable	None Detected
22I-6 13-04-0-006A	-	1	Brown Vinyl Floor Tile, 2 nd Floor Bathroom	Non-friable	None Detected
22I-6 13-04-0-006B	-	1	Brown Vinyl Floor Tile Mastic, 2 nd Floor Bathroom	Non-friable	None Detected
22I-7 13-04-0-007A	-	1	Brown Vinyl Floor Tile, 2 nd Floor Bathroom	Non-friable	None Detected
22I-7 13-04-0-007B	-	1	Brown Vinyl Floor Tile Mastic, 2 nd Floor Bathroom	Non-friable	None Detected
22I-8 13-04-0-008	-	1	Roofing Shingle	Non-friable	None Detected
22I-9 13-04-0-009	-	1	Roofing Shingle	Non-friable	None Detected
22I-10 13-04-0-010A	-	1	Blue Vinyl Linoleum, 2 nd Floor Room #4	Non-friable	None Detected
22I-10 13-04-0-010B	-	1	Blue Vinyl Linoleum Mastic, 2 nd Floor Room #4	Non-friable	None Detected
22I-11 13-04-0-011A	-	1	Blue Vinyl Linoleum, 2 nd Floor Room #4	Non-friable	None Detected
22I-11 13-04-0-011B	-	1	Blue Vinyl Linoleum Mastic, 2 nd Floor Room #4	Non-friable	None Detected
22I-12 13-04-0-012A	-	1	Brown Vinyl Linoleum, Kitchen	Non-friable	None Detected
22I-12 13-04-0-012B	-	1	Brown Vinyl Linoleum Mastic, Kitchen	Non-friable	None Detected
22I-13 13-04-0-013A	-	1	Brown Vinyl Linoleum, Kitchen	Non-friable	None Detected
22I-13 13-04-0-013B	-	1	Brown Vinyl Linoleum Mastic, Kitchen	Non-friable	None Detected
22I-14 13-04-0-014	742 Sq. Ft.	1	Pipe Insulation, Basement Floor	Friable	10% Chrysotile Asbestos
22I-15 13-04-0-015	See Above	1	Pipe Insulation, Basement Floor	Friable	10% Chrysotile Asbestos
22I-16 13-04-0-016	1788 Sq. Ft.	1	Transite, Front Porch And Exterior of Home	Non-friable	20% Chrysotile Asbestos

Discussion and Recommendations

Sixteen (16) bulk samples of suspect asbestos-containing materials were collected in the accessible areas of the structure. All plaster was homogenous throughout the home. Per current EPA regulations, Category I Non-Friable materials, including bituminous roofing materials, resilient floor coverings and gaskets do not need to be removed prior to the demolition of homes, as long as it does not become friable during the demolition process.

The analytical results found the following items to contain greater than 1% asbestos fibers:

- White, fibrous pipe insulation, Basement Floor (Ground Debris)
- White, fibrous transite, Exterior Of Home

Confirmed or assumed asbestos-containing materials, which will be disturbed during demolition activities, are regulated under current Federal and State regulations. Hart Environmental Resources recommends the removal of these materials by a licensed asbestos abatement contractor. It is also strongly recommended that the specifications for the removal program be developed by a licensed Asbestos Project Designer to ensure that all regulatory requirements are satisfied. The work should be properly documented in the event of future litigation.

An Ohio EPA Notification of Demolition and Renovation form must be completed and submitted to the Regional Air Pollution Control Agency (RAPCA) at least ten working days prior to the commencement of any abatement or demolition activity. The amount, type and condition of the asbestos-containing materials found in this inspection, as well as the materials assumed to be asbestos-containing materials, must be noted on the form. The name and certification number of the asbestos inspector, Douglas E. Hart, #ES35377, must be included.

Hart Environmental Resources estimates the cost associated with the removal of the confirmed asbestos-containing materials to be as follows:

<u>Material</u>	<u>Est. Qty.</u>	<u>Est. Unit Cost</u>	<u>Est. Cost</u>
Pipe insulation – ground debris	742 Sq. Ft.	\$5/Ln. Ft.	\$3,710
White, fibrous transite	1788 Sq. Ft.	\$2/Sq. Ft.	\$3,576
		Total	\$7,286

Estimated costs are based on local, current prevailing wages and do not include costs for planning, permitting, specification development, contractor oversight or air monitoring.

Additional suspect asbestos-containing materials may be hidden in uninspected or inaccessible areas, such as pipe chases, duct chases or wall cavities. If any additional suspect materials are encountered in these locations, the material should be left undisturbed and kept intact until they can be inspected and sampled by a licensed Asbestos Abatement Evaluation Specialist. Hart Environmental Resources will be happy to return to the site if additional suspect materials are encountered during the demolition activity. The other options, is to assume that the material is asbestos-containing and have it abated as such.

This report, and the supporting data, findings, conclusions, opinions, and the recommendations it contains, represents the result of Hart Environmental Resources' efforts on behalf of the City of Dayton. This report is not an asbestos abatement specification and should not be used for specifying removal methods or techniques. The results, assessments, conclusions and recommendations stated in this report are factually representative of the conditions and circumstances observed at this location on the date of the inspection. We cannot assume responsibility for any change in conditions or circumstances that occurred after the inspection. This report and its findings and recommendations, if implemented by the City of Dayton, should not be construed as an assurance or implied warranty for the continuing safety, performance, or cost-effectiveness of any equipment, product, system, facility, procedure, or policy discussed or recommended herein.

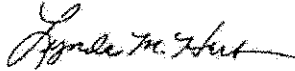
Recommendations are based on the professional judgment of the inspector and the results of the samples collected and analyzed. Hart Environmental Resources makes no warranty, expressed or implied, and accepts no liability for the presence or absence of asbestos or other hazardous materials in or on building products, materials or areas. Hart Environmental Resources assumes no responsibility for the cost of repairing, replacing or removing any undiscovered or unreported condition or defect, or any future condition or defect.

Based on the findings of this survey, Hart Environmental Resources recommends the following:

- **Maintain copies of the information from this asbestos inspection at the site during the demolition operations.** This information should also be maintained by the City of Dayton in an off-site file to document proper completion of the inspection prior to the building demolition.
- **Asbestos-containing materials should not be disturbed or removed except by properly trained, certified and equipped personnel in accordance with the requirements of an asbestos abatement specification developed for this project.**
- **Air monitoring should be performed during any work that disturbs the integrity of identified asbestos-containing materials, in accordance with the OSHA regulations.** Air monitoring should be performed by a certified asbestos hazards evaluation specialist or a certified industrial hygienist.
- **An Ohio EPA Notification of Demolition and Renovation form should be completed and submitted to the Regional Air Pollution Control Agency (RAPCA) at least ten working days prior to the start of any abatement or demolition activity.** This form should list the amount of Category I Non-Friable materials, which will not be removed, as well as the amount of regulated asbestos-containing materials, which will be removed prior to the demolition activity.

If you have any questions or concerns with this inspection please do not hesitate to contact me.

Sincerely,



Lynda M. Hart, REM
President

*Registered Environmental Manager, #7928
Asbestos Hazards Evaluation Specialist, State of Ohio, #1832258*

Attachments

Attachment 1	Site Location Map
Attachment 2	Site Inspection Work Sheet
Attachment 3	Photographs
Attachment 4	Laboratory Results
Attachment 5	Work Order

• • •

ATTACHMENT 1
SITE LOCATION MAP

22 Illinois Ave, Dayton, OH 45410 Directions, Location and Map | MapQuest

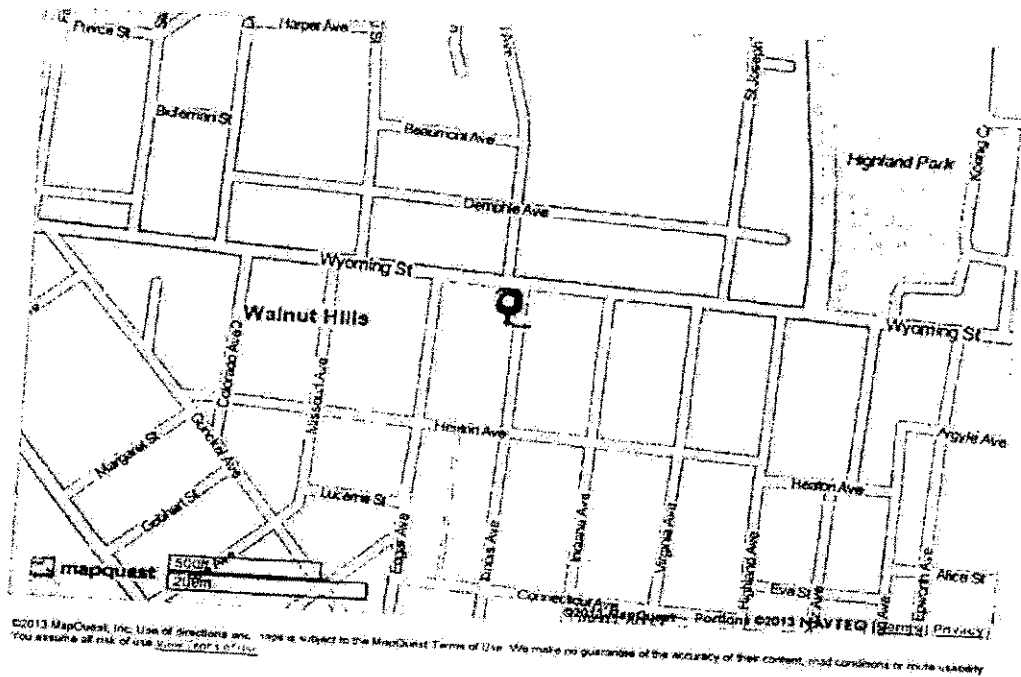
Page 1 of 1



Map of:
22 Illinois Ave
Dayton, OH 45410-2032

Notes:

Mr. Dennis Zimmer
City of Dayton
Building Services
Nuisance Abatement & Rehabilitation Supervisor
371 W. 2nd St., Room 324
Dayton, OH 45402
937-333-3982



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et al.

ATTACHMENT 2
SITE INSPECTION WORK SHEET

Hart Environmental Resources
 Site 22 Illinois City Dayton State OH Zip _____

Asbestos Inspection Work Sheet

Structure
 Levels: 1 _____ 2 ☒ 3 _____ Other _____
 Exterior: Wood ☒ Vinyl _____ Aluminum _____ Foundation: Slab _____ Crawl _____ Basement _____
 Interior Walls: Drywall _____ Plaster _____ Transite ☒ Brick _____ Other _____
 Flooring: Linoleum/Vinyl Enc. Porch Linoleum/Vinyl Kitchen Linoleum/Vinyl Attic steps
 Windows: Wood ☒ Vinyl _____ Metal _____ Other _____ Number of Windows 28
 Heating: GFA _____ Hot Water ☒ Other _____ Duct Work Yes / No Scan Tape: Yes No
 Roofing: Asphalt Shingles ☒ Transite Shingles _____ Metal _____ Other _____

1st Floor
 Barn 12'8" x 11'4"
 Living 17'1" x 14'8"
 Dining 17'1" x 12'6"
 Kitchen 11'6" x 12'8"
 Hall 13' x 12'6"
 Bdrm 1 11'2" x 11'4"
 Bdrm 2 11'2" x 11'4"
 Ceiling Height 9'

2nd Floor
 Bath 8' x 10'
 Bath 11'5" x 10'
 Hall 7'4" x 12'
 Stairs
 Ceiling Height 7'9"

Basement
 wood windows
 29' x 17'6"
 Stairs 12'10" x 10'11"
 Ceiling Height 8'

ATTACHMENT 3

PHOTOGRAPHS



Photo 1: Window Glazing (221-3) Living Room. No Asbestos Detected.



Photo 3: Wall Plaster (221-3) 2nd Floor Stairway. No Asbestos Detected.



Photo 2: Wall Plaster (221-2) Bedroom 2. No Asbestos Detected.



Photo 4: Wall Plaster (221-4) 2nd Floor Stairway. No Asbestos Detected.



Photo 5: Window Glazing (22I-5) Bedroom 1. No Asbestos Detected.



Photo 7: Brown Vinyl Floor Tile (22I-7) 2nd Floor Bathroom. No Asbestos Detected.



Photo 6: Brown Vinyl Floor Tile (22I-6) 2nd Floor Bathroom. No Asbestos Detected.



Photo 8: Roofing Shingle (22I-8). No Asbestos Detected.



Photo 9: Roofing Shingle (22I-9). No Asbestos Detected.



Photo 11: Blue Vinyl Linoleum (22I-11) 2nd Floor Room #4. No Asbestos Detected.



Photo 10: Blue Vinyl Linoleum (22I-10) 2nd Floor Room #4. No Asbestos Detected.



Photo 12: Brown Vinyl Linoleum (22I-12) Kitchen. No Asbestos Detected.



Photo 13: Brown Vinyl Linoleum (221-13) Kitchen. No Asbestos Detected.



Photo 15: Pipe Insulation, Basement Floor.



Photo 14: Pipe Insulation (221-14) Basement Floor. 10% Chrysotile Asbestos Detected.

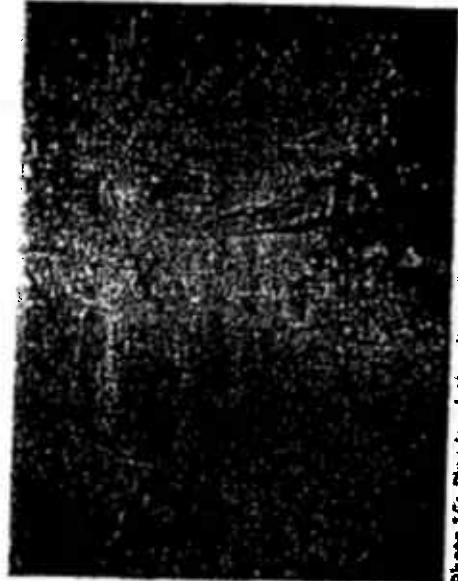


Photo 16: Pipe Insulation (221-15) Basement Floor. 10% Chrysotile Asbestos Detected.



Photo 18: Transite Lying On Front Porch.

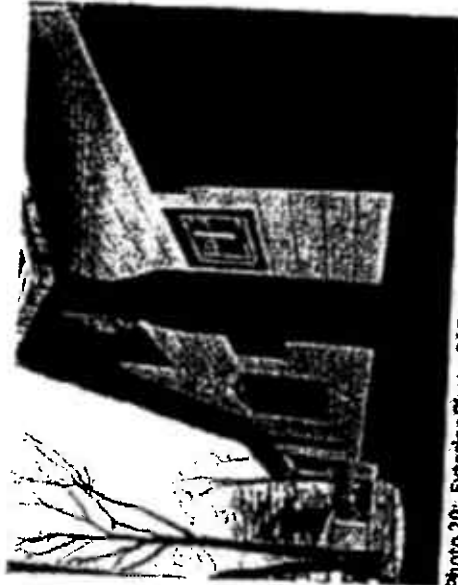


Photo 20: Exterior Photo Of Transite Siding.



Photo 17: Transite (221-16) Front Porch. 20% Chrysotile Asbestos Detected.



Photo 19: Exterior Photo Of Transite Siding.



Photo 22: Basement Floor Ground Debris.



Photo 24: Interior Of Home, Most Of Plaster Removed.



Photo 21: Basement Floor Ground Debris.



Photo 23: Interior Of Home, Most Of Plaster Removed.

• • •

ATTACHMENT 4
LABORATORY RESULTS



Environmental Hazards Services, L.L.C.
7489 Whitepine Rd
Richmond, VA 23237
Telephone: 800.347.4010

Asbestos Bulk Analysis Report

Report Number: 13-04-00146

Client: Hart Environmental Resources
262 Hedge Drive
Springfield, OH 45504

Received Date: 04/01/2013
Analyzed Date: 04/01/2013
Reported Date: 04/02/2013

Project/Test Address: City of Dayton, 22 Illinois

Client Number:
36-5620

Fax Number:
937-324-0288

Laboratory Results

Lab Sample Number	Client Sample Number	Layer Type	Lab Gross Description	Asbestos	Other Materials
13-04-00146-001	22 I-1		White Brittle; Homogeneous	NAD	100% Non-Fibrous
13-04-00146-002	22 I-2		Gray Granular; Tan Brittle; Inhomogeneous	NAD	2% Hair 98% Non-Fibrous
13-04-00146-003	22 I-3		Gray Granular; White Brittle; Inhomogeneous	NAD	2% Hair 98% Non-Fibrous
13-04-00146-004	22 I-4		Gray Granular; White Brittle; Inhomogeneous	NAD	10% Cellulose 2% Hair 88% Non-Fibrous
13-04-00146-005	22 I-5		Tan Brittle; Homogeneous	NAD	100% Non-Fibrous

Environmental Hazards Services, L.L.C.

Client Number: 36-5620

Project/Test Address: City of Dayton; 22 Illinois

Report Number: 13-04-00146

Lab Sample Number	Client Sample Number	Layer Type	Lab Gross Description	Asbestos	Other Materials
13-04-00146-006	22 I-6		Green Vinyl; Brown Fibrous; Paint-Like; Inhomogeneous	NAD	15% Cellulose 85% Non-Fibrous
No mastic present.					
13-04-00146-007	22 I-7		Brown Vinyl; Fibrous; Inhomogeneous	NAD	15% Cellulose 85% Non-Fibrous
No mastic present.					
13-04-00146-008	22 I-8		Black Tar-Like; Fibrous; Tan Aggregate; Inhomogeneous	NAD	25% Fibrous Glass 75% Non-Fibrous
13-04-00146-009	22 I-9		Black Tar-Like; Fibrous; Tan Aggregate; Inhomogeneous	NAD	25% Fibrous Glass 75% Non-Fibrous
13-04-00146-010	22 I-10		Black; Fibrous; Green Vinyl; Inhomogeneous	NAD	35% Cellulose 5% Synthetic 60% Non-Fibrous
No mastic present.					
13-04-00146-011	22 I-11		Green Vinyl; Black; Fibrous; Inhomogeneous	NAD	35% Cellulose 5% Synthetic 60% Non-Fibrous
No mastic present.					
13-04-00146-012	22 I-12		Gray Vinyl; Homogeneous	NAD	5% Cellulose 95% Non-Fibrous
No mastic present.					
13-04-00146-013	22 I-13		Gray Vinyl; Homogeneous	NAD	5% Cellulose 95% Non-Fibrous
No mastic present.					

Environmental Hazards Services, L.L.C.

Client Number: 36-5620

Project/Test Address: City of Dayton, 22 Illinois

Report Number: 13-04-00146

Lab Sample Number	Client Sample Number	Layer Type	Lab Gross Description	Asbestos	Other Materials
13-04-00146-014	22 I-14		White Powder; Homogeneous	10% Chrysotile	90% Non-Fibrous
Total Asbestos: 10%					
13-04-00146-015	22 I-15		White Powder; Homogeneous	10% Chrysotile	90% Non-Fibrous
Total Asbestos: 10%					
13-04-00146-016	22 I-16		White Cementitious; Homogeneous	20% Chrysotile	80% Non-Fibrous
Total Asbestos: 20%					

QC Sample: 5-M1-1991-1

QC Blank: SRM 1886 Fiberglass

Reporting Limit: 1% Asbestos

Method: EPA Method 600/R-93/116, EPA Method 600/M4-82-020

Analyst: Araceli Enzler

Reviewed By Authorized Signatory:


Tasha Eaddy
QA/QC Clerk

The condition of the samples analyzed was acceptable upon receipt per laboratory protocol unless otherwise noted on this report. Each distinct component in an inhomogeneous sample was analyzed separately and reported as a composite. Results represent the analysis of samples submitted by the client. Sample location, description, area, volume, etc., was provided by the client. This report cannot be used by the client to claim product endorsement by NVLAP or any agency of the U.S. Government. This report shall not be reproduced except in full, without the written consent of the Environmental Hazards Service, L.L.C. California Certification #2315 NY ELAP #11714 NVLAP #101882-0. All information concerning sampling location, date, and time can be found on Chain-of-Custody. Environmental Hazards Services, L.L.C. does not perform any sample collection.

Environmental Hazards Services, L.L.C. recommends reanalysis by point count (for more accurate quantification) or Transmission Electron Microscopy (TEM), (for enhanced detection capabilities) for materials regulated by EPA NESHAP (National Emission Standards for Hazardous Air Pollutants) and found to contain less than ten percent (<10%) asbestos by polarized light microscopy (PLM). Both services are available for an additional fee.

400 Point Count Analysis, where noted, performed per EPA Method 600/R-93/116 with a Reporting Limit of 0.25%.

* All California samples analyzed by Polarized Light Microscopy, EPA Method 600/M4-82-020, Dec. 1982.

LEGEND:

NAD = no asbestos detected



Analyst Signature Page

Environmental Hazards Services, L.L.C.
7469 Whitepine Rd
Richmond, VA 23237
Telephone: 800.347.4010

Report Number: 13-04-00146

Client: Hart Environmental Resources
262 Hedge Drive
Springfield, OH 45504

Received Date: 04/01/2013

Analyzed Date: 04/01/2013

Reported Date: 04/02/2013

Client Number: 36-5620

Project/Test Address: City of Dayton; 22 Illinois

Analyst(s)

A handwritten signature in cursive script, appearing to read "Araceli Enzler".

Araceli Enzler

ENVIRONMENTAL HAZARDS SERVICES, L.L.C.
7489 Whitepine Rd., Richmond, VA 23237 (804) 275-4788 (804) 275-4907 FAX

CHAIN OF CUSTODY FORM

Company Name: Hart Environmental Resources
Address: 262 Hedge Dr.
City, State, Zip: Springfield, OH 45504
EHS Client Acct #: 5620 D
Phone #: (937) 325-8777 Fax #: (937) 324-0288
E-mail: jharten@evoh.rr.com

Date: March 29 2013
Contact Name: Doug Hart
Sampler Name: Doug Hart
Project #: CITY OF DAYTON
22 ILLINOIS
1 Day TAT

Point count samples with Trace-5% asbestos

Sample Number	Sample Date & Time	Asbestos			Lead			Other Metals (Specify metals below)			Indoor Air Quality			Air Volume (L) OR Wipe Area (INCHES)	Comments			
		(PCM) Fiber Count	PLM Point Count	PLM Gravimetric	TEM AHERA (Air)	TEM Charfield (Bulk)	Air	Paint (%)	Paint (PPM)	Paint (mg/cm2)	Soil	Wipe* (See Note)	TCLP (Pb)			Waste Water	TCLP RCRA 8	Welding Fume
22 I-1	March 29 2013	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
22 I-2		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-3		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-4		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-5		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-6		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-7		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-8		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-9		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-10		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-11		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-12		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-13		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-14		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-15		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
22 I-16	4:00 PM, 2013	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	

13-04-00146

Due Date: 04/02/2013 (Tuesday) AE

Window Glazing Lvl. 2m
Wall Plaster Bed Rm. 1C
Wall Plaster Bed Rm. 2B
Wall Plaster 2nd Fl. 2nd
Window Glazing Bed Rm. 1D
Flooring 2nd Fl. Bath
Flooring 2nd Fl. Bath
Roof Shingle
Roof Shingle
Flooring Room 4
Flooring Room 4
Flooring Kit.
Flooring Kit.
Pipe Insulation Basement
Pipe Insulation Basement
Transite Siding

Released by: Doug Hart Signature: Doug Hart
Received by: ISB Signature: ISB

Date/Time: March 29 2013 5:00 PM
Date/Time: 4-1-13

ATTACHMENT 5
WORK ORDER



NUISANCE ABATEMENT NOTICE OF POSSESSION

NOP # 8

March 2, 2013

HART ENVIRONMENTAL, INC.
262 Hedge Drive
Springfield, OH 45504

CT12-0330

Subject: 2012 NAP RESIDENTIAL ASBESTOS SURVEY AND POST ABATEMENT
VERIFICATION INSPECTIONS 1 GENERAL FUNDS

This Transmittal is Notice of Possession # 8 for the performance of asbestos surveys on the properties listed herein.

A Notice of Possession under this agreement hereby gives you possession of the entire parcel(s) including the structures and all contents for the purpose of performance of asbestos surveys.

ADDRESS	LOT#	TYPE	AMOUNT
39 Diamond	23283	One Story/Bsmt	\$440
19 N Garland	37215	Two Story/Bsmt	\$470
20 N Garland	37226	Two Story/ Bsmt	\$470
140 N Garland	30894-95	Two Story/Bsmt	\$470
3207 Highview Hills	75279	One Story/Crawl	\$420
1402 Holly	27069	Two Story/Bsmt	\$470
3201 Ralliston	75228	One Story/Crawl	\$420
3415 Ralliston	75242	One Story/Crawl	\$420
2101 Victoria	71446	One Story/Bsmt	\$440
916 Xenia	20417	Two Story/Bsmt	\$470
22 Illinois	20771-26883pts	One Story/Bsmt	\$440
28 Illinois	20771-26388pts	One Story/Bsmt	\$440

This Notice of Possession becomes effective at 12:01 a.m. Eastern Standard Time in Ohio on **March 4, 2013** which is established as the beginning date of survey activities on these parcels. Furthermore, the time for completion is 14 working days or **March 25, 2013**.

Sincerely,

Dennis Zimmer
Nuisance Abatement

DZ:



Exhibit D

**City of Dayton
Department of Building Services
Housing Inspection Division**

Authorization to Enter a Public Nuisance (DURING DAYLIGHT HOURS ONLY)

The following individual(s) is(are) hereby authorized to enter upon the premises located

at 22 ILLINOIS
ADDRESS

and known to have been boarded by the City of Dayton and/or be a public nuisance.

Katharine Mitchell
For LAWN Mowing ONLY
NAMES

This Authorization expires at 5:00 P.M. on JUNE 1, 2013
DATE

This Authorization does not indicate or imply that the named individual(s) has ownership rights to the property, or has permission from the property owner to be on the premises. Entering the property without owner's permission could possibly result in trespassing or breaking and entering charges being filed.

This is NOT an authorization to perform rehab work. To perform work you must first obtain a Special Rehab Permit. For further assistance contact Housing Inspection at (937) 333-3977.

By: [Signature]
HOUSING INSPECTION DIVISION DESIGNEE

Date: JUNE 1, 2013